IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FOURTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

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WRIT PETITION NO : 14980 of 2004

Between:

Golla Yadamma, W/o Jagannadham,
R/o Plot No. 57, Andhra Kesari Nagar, Road No.3, Vanasthalipuram,
Sahebnagar Village, R.R. District.

..... PETITIONER

AND

1 Government of Andhra Pradesh, Rep. by its District Collector,
Ranga Reddy District, at Hyderabad.
2 Government of Andhra Pradesh, rep. by its Revenue Divisional Officer,
Ranga Reddy District at Hyderabad.
3 Government of A.P. Rep. by its Mandal Revenue Officer,
Hayatnagar Mandal, Hayatnagar, Ranga Reddy District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate writ, order or direction preferably a writ in the nature of Writ of Mandamus declaring the action of the respondents in contemplating to demolish the property on 25-8-2004 at 8 A.M. ie., three storied building situated in Plot No. 34 and 35 situated in Sy.No. 7 of Sahebnagar Village, Hayatnagar Mandal, Ranga Reddy District, which is published in VAARTHA newspaper on 21-8-2004 of which the petitioner is the owner and possessor, as being illegal, arbitrary, without jurisdiction, violative of principles of natural justice and also violative of Articles 14 and 300-A of the Constitution of India and consequently direct the respondents neither to interfere

with the petitioner's property nor to dispossess the petitioner from the said property.

Counsel for the Petitioner:MR.P.VENUGOPAL

Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following ORDER:

The petitioner is claiming to be the owner of part of a land in Survey No.7 of Sahebnagar Kalan Village, Hayatnagar Mandal, Ranga Reddy District.

It is the case of the petitioner that after obtaining necessary layout approval from the concerned authority, the property was divided into plots and plot No.52 forms part of Survey No.7, which belongs to the petitioner and adjacent to the land of the petitioner there is a Government land on the southern side. The third respondent herein filed O.P.No.570 of 1989 before the A.P. Land Grabbing (Prohibition) Act–cum-District Judge, Ranga Reddy District, seeking a direction against the petitioner herein to deliver 73 sq.yards of land to him, which forms part of survey No.234 admeasuring 9 acres 31 guntas. The Land Grabbing Court observed as “even if a survey was conducted in respect of a land, whose extent is more than 9 acres, a small extent of 73 sq.yards could be the result of a surveyor error. Since no evidence is adduced by the petitioner (R3) to show that in fact, a surveyor conducted survey of survey No.234 and since there is nothing on record to show as to how the surveyor arrived at 73 sq.yards as an encroachment by the respondent in Survey No.234” and held that “the petitioner was the owner of the land in Survey No.234 of Sahebnagar kalan village and that the evidence on record does not disclose that 73 sq.yards (covered by the petition) is a part and parcel of Survey No.234” and accordingly dismissed the land grabbing case.

Thereafter, the petitioner filed W.P.No.24735 of 2001 stating that the respondents are threatening to dispossess her from the petition schedule property, wherein this Court passed an interim order in W.P.MP.No.31258 of 2001, dated 03-12-2001, directing the third respondent or his subordinates not to interfere with the

possession of the property of the petitioner in plot No.52 of Survey No.7 of Sahebnagar village pending further orders in the WPMP. While so, the respondents issued a paper publication on

21-08-2004 in Vaartha fixing the date for demolition of the illegal constructions in Survey Nos.230, 231, 232, 234 of Sahebnagar kalan Village as 25-08-2004. Questioning the same, petitioner filed the present writ petition contending that once the third respondent i.e. Mandal Revenue Officer failed in his attempts to declare the petitioner as land grabber and to recover the possession of 73 sq.yards, issuing such notification and proceeding to demolish the petition schedule property situated in Sy.No.7 bearing Plot Nos.34 and 35 as illegal.

The learned Government Pleader for Revenue appearing for the respondents, on instructions, submitted a brief note, which is placed on the record, stating that the respondents are proceeding to demolish the structures, which are existing in the land in Survey Nos.230, 231, 232, 234, which is a Government land situated at Sahebnagar Kalan village only, but not the land in Survey No.7, which is classified as patta land.

In view of the same and since there is already an interim direction in favour of the petitioner not to interfere with the land of the petitioner, which also includes 73 sq.yards of land, for which the land grabbing case was filed, the respondents shall proceed with the demolition of structures in other survey numbers but they shall not demolish the structures, if any, existing in plot Nos.34 and 35 in Survey No.7.

The writ petition is accordingly disposed of. No costs.

24th AUGUST, 2004.

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Sd/-C.VIDYADHAR BHATT

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The District Collector, Ranga Reddy District, at Hyderabad.
2 The Revenue Divisional Officer,
Ranga Reddy District at Hyderabad.
3 The Mandal Revenue Officer,
Hayatnagar Mandal, Hayatnagar, Ranga Reddy District.

4 Two CCs to the Government Pleader for Revenue, A.P.High Court Buildings, Hyderabad.

5 Two CD copies.

6 One CC to MR. P.Venugopal , Advocate.

GPK

HIGH COURT

DT. 24-8-2004

ORDER

WP: 14980/2004

Disposing the WP

Without costs.